

REMARKS

In the Office Action mailed on April 28, 2006, the Examiner rejected claims 1, 3-4, 18-23, 27-29, and 35-37 under 35 U.S.C. § 102(e) as being anticipated by *Washington*, U.S. Patent Application Publication No. US 2002/0052777. The Examiner also rejected claims 5-10 and 30-31 under 35 U.S.C. § 103(a) as being obvious over the *Washington* reference in view of "User's Guide for TurboTax and TurboTax Deluxe for Tax Year 1997" ("*TurboTax*"). The Examiner also rejected claims 11-13 and 24-26 under 35 U.S.C. § 103(a) as being obvious over the *Washington* reference in view of "Barron's Dictionary of Business Terms, 3d Edition" ("*Barron's Dictionary*"). Finally, the Examiner rejected claims 14-17 under 35 U.S.C. § 103(a) as being obvious over the *Washington* reference in view of *Barron's Dictionary* and *TurboTax*.

By this Amendment, Applicants amend claims 1, 4, 5, 7, 10, 13, 14, 16, 18, 20, 22, 25, 27, 30, 31, 35, and 36 to clarify aspects of the subject matter of the invention.

Section 102 Rejections

Claims 1, 3-4, 18-23, 27-29, and 35-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by the *Washington* reference. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131.01 (8th ed. 2001, revised August 2005). As amended, claims 1, 3-4, 18-23, 27-29, and 35-37 recite elements not disclosed by *Washington* and Applicants therefore request the reconsideration and withdrawal of the section 102 rejections.

Claim 1, as amended, recites a method of managing at least one aspect of a supplier selection process including the steps of establishing a plurality of supplier classes and, for one supplier class in the plurality of potential supplier classes,

creating a report documenting at least a description of said transaction, a list of potential suppliers in said one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class that was not selected as said supplier for said transaction. The *Washington* reference does not teach such a method.

Instead, the reference discloses setting a project overall goal ("POG") of an amount of money to be awarded to disadvantaged business entities ("DBEs") by a recipient of a government contract. (*Washington*, ¶ 0020.) For a project, sub-project monetary goals (called "SPGs") may also be set. (*Id.*, ¶ 0024.) According to the reference, "[t]he recipient should...keep a record of the initial values [of the POG and SPGs]." (*Id.*, ¶ 0032.) "[A]t the end of each time period the recipient performs an evaluation and correction procedure 108...[when] the money actually paid to DBE's project-wide is compared with the POG...." (*Id.*) Citing these teachings, the Examiner stated that "keeping records and monitoring represents documenting a characteristic." (4/28/06 Office Action, p. 5.) However, the *Washington* reference merely teaches tracking monetary goals and money actually paid to DBEs. It does not disclose creating any type of report, let alone creating a report documenting at least a description of a transaction, a list of potential suppliers in one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class that was not selected as said supplier for said transaction, as recited by amended claim 1.

Because the *Washington* reference fails to teach every element of amended claim 1, Applicants request the withdrawal of the section 102 rejections of claim 1 and its dependent claims 3-5, 7-14, and 16-17.

Claim 18, as amended, recites a method including the steps of identifying a plurality of supplier classes and, for one of said plurality of supplier classes that does not include a selected supplier, documenting a description of a transaction, a list of potential suppliers in said one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class who was solicited but not selected for said transaction. As discussed above with respect to claim 1, the *Washington* reference does not disclose these steps or this method. Therefore, Applicants request the withdrawal of the section 102 rejections of claim 18 and its dependent claims 19-26.

Amended claim 27 recites an apparatus configured to manage a procurement process comprising, among other things, a reporting module configured to create a report for one supplier class in a plurality of supplier classes, said report documenting at least a description of a transaction, a list of potential suppliers in said one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class that was not selected as the supplier for said transaction. The *Washington* reference does not disclose such an apparatus for at least the reasons given above with respect to the method set forth in claim 1. Therefore, Applicants request the withdrawal of the section 102 rejections of claims 27 and its dependent claims 28-31.

Amended claim 35 recites a method of selecting a supplier of goods or services in a transaction including the step of, for one supplier in a supplier class including a selected supplier, documenting at least a description of said transaction, a list of potential suppliers in said supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one class who was solicited but not selected for said transaction. As discussed above with respect to claim 1, the *Washington* reference does not disclose this step or this method. Therefore, Applicants request the withdrawal of the section 102 rejections of claim 35 and its dependent claims 36-37.

Section 103 Rejections

The Examiner rejected claims 5-10 and 30-31 under 35 U.S.C. § 103(a) as being obvious over the *Washington* reference in view of *TurboTax*. The Examiner also rejected claims 11-13 and 24-26 under 35 U.S.C. § 103(a) as being obvious over the *Washington* reference in view of *Barron's Dictionary*. Finally, the Examiner rejected claims 14-17 under 35 U.S.C. § 103(a) as being obvious over the *Washington* reference in view of *Barron's Dictionary* and *TurboTax*.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8th ed. 2001, revised August 2005). Because the cited references, taken together or individually, do not teach or suggest every element of claims 5-17, 24-26, and 30-31, Applicants request the withdrawal of the section 103 rejections and the allowance of claims 5-17, 24-26, and 30-31.

Claims 5-10 depend from amended claim 1 and claims 30 and 31 depend from amended claim 27. Accordingly, claims 5-10 and 30-31 recite, among other things, methods and apparatus that, for one supplier class in a plurality of potential supplier classes, create a report documenting at least a description of a transaction, a list of potential suppliers in said one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class that was not selected as said supplier for said transaction. As discussed above, the *Washington* reference does not disclose or suggest these recitations. Furthermore, *TurboTax* does not cure this defect. *TurboTax* is a guide for completing a personal income tax return and is unrelated to documenting aspects of a supplier selection process. Because the *Washington* reference and *TurboTax*, taken alone or in combination, fail to teach or suggest every element of claims 5-10 and 30-31, Applicants request the withdrawal of the section 103 rejections of these claims.

Claims 11-13 depend from amended claim 1 and therefore indirectly recite methods that, for one supplier class in a plurality of potential supplier classes, create a report documenting at least a description of a transaction, a list of potential suppliers in said one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class that was not selected as said supplier for said transaction. As discussed above, the *Washington* reference does not disclose or suggest such a method. Furthermore, *Barron's Dictionary* does not cure this defect. *Barron's Dictionary* is merely cited for its definitions of forecasting and prediction, having to do with foretelling future events. (4/28/06 Office Action, p. 18.) This is unrelated to documenting aspects of a supplier selection process. Because the

Washington reference and *Barron's Dictionary*, taken alone or together, fail to teach or suggest every element of claims 11-13, Applicants request the reconsideration and withdrawal of the section 103 rejections of these claims.

Claims 24-26 depend from amended claim 18 and therefore indirectly recite methods including the step of, for one of said plurality of supplier classes that does not include a selected supplier, documenting a description of a transaction, a list of potential suppliers in said one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class who was solicited but not selected for said transaction. As discussed above, the *Washington* reference does not disclose or suggest such a method. Furthermore, *Barron's Dictionary* does not cure this defect. *Barron's Dictionary* is merely cited for its definitions of forecasting and prediction, having to do with foretelling future events. (Final Office Action, p. 18.) This is unrelated to documenting aspects of a supplier selection process. Because the *Washington* reference and *Barron's Dictionary*, taken alone or together, fail to teach or suggest every element of claims 24-26, Applicants request the reconsideration and withdrawal of the section 103 rejections of these claims.

Claims 14-17 depend indirectly from amended claim 1 and accordingly recite methods that, for one supplier class in a plurality of potential supplier classes, create a report documenting at least a description of a transaction, a list of potential suppliers in said one supplier class who were solicited for said transaction, and a reason corresponding to each supplier in said one supplier class that was not selected as said supplier for said transaction. As discussed above, the *Washington* reference does not disclose or suggest these recitations. Furthermore, *TurboTax* and *Barron's Dictionary*

do not cure this defect. *TurboTax* is a guide for completing a personal income tax return and is unrelated to documenting aspects of a supplier selection process. Furthermore, *Barron's Dictionary* is cited for its definitions of forecasting and prediction, having to do with foretelling future events. Because the *Washington* reference, *TurboTax*, and *Barron's Dictionary*, taken alone or in combination, fail to teach or suggest every element of claims 14-17, Applicants request the withdrawal of the section 103 rejections of these claims.

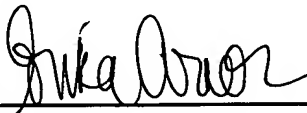
In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 26, 2006

By: 
Erika H. Arner
Reg. No. 57,540